

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOHN VERCILLO,

Plaintiff,

Civil Action No. 5:09-CV-166

vs.

RITE AID CORPORATION,

Defendant.

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APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Syracuse University Law College  
P.O. Box 6543  
Syracuse, NY 13217-6543

Michael A. Schwartz, Esq.

FOR DEFENDANT:

Raven, Kolbe Law Firm  
126 East 56th Street  
Suite 202  
New York, NY 10022

Keith A. Raven, Esq.

FREDERICK J. SCULLIN,  
SENIOR U.S. DISTRICT JUDGE

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT


The parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: April 21, 2011  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge